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SMITH, GAMBRELL & RUSSELL, LLP 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			DARROW, JUSTIN T	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,741

Applicant(s)

SAWAGUCHI, TAKASHI

Examiner

Justin T. Darrow

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-19, 21-24, and 26-36 is/are rejected.
- 7) ☒ Claim(s) 13, 20, 25 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2132

DETAILED ACTION

1. Claims 1-37 have been presented for examination. Claims 1 and 2 have been amended and new claims 28-37 have been added in an amendment filed 07/14/2004. Claims 1-37 have been examined.

Docketing

2. This application has been docketed to Primary Examiner Justin T. Darrow in Group Art Unit 2132 in Technology Center 2100.

Priority

3. Receipt is acknowledged of a paper submitted under 35 U.S.C. 119(a)-(d), which paper has been placed of record in the file.

4. Acknowledgment is made for the benefit of an earlier filing date of Application No. P11-271022 filed in Japan on 09/24/1999.

Response to Arguments

5. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new grounds of rejection necessitated by amendment.

Claim Objections

6. Claim 1 is objected to because of the following informalities: delete "portably" in line 2 and replace with --so as to be portable--. Appropriate correction is required.

Art Unit: 2132

7. Claim 14 is objected to because of the following informalities: delete "in " in line 2 and replace with --in--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 recites the limitation "the comparing means" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting "27," in line 1 and replacing with --28,--.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

Art Unit: 2132

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1-10, 21-23, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Novis et al., U.S. Patent No. 5,770,849 A.

As per claims 1, Novis et al. depict a portable personal authentication apparatus comprising:

built-in communication means wirelessly connectable to a public network (see column 3, lines 1-4; figure 2, items 16 and 17; a communications transceiver mounted directly on a circuit board containing interconnecting electronics; see column 3, lines 56-60; figure 10 and 17; where the transmission of information utilizes wireless technology, such as a two-way pager on a public network); and

reading means for reading at least one of a man's biologic features (see column 3, lines 36-44; figures 2 and 3, item 14; the display element acts as the biometric input device),

wherein personal authentication is performed on the basis of data read by the reading means as authentication data (see column 3, lines 36-44; figures 2 and 3, item 14; where the user enters security information such as a biometric identifier for authentication in secure applications).

Art Unit: 2132

As per claim 2, Novis et al. further describe:

that the authentication is biometric authentication using at least one of a man's fingerprint and retinaprint (see column 3, lines 36-44; figures 2 and 3, item 14; processing biometric input such as a finger print or retinal scan for secure applications), and

that the reading means can read at least one of a man's fingerprint and retinaprint for biometric authentication (see column 3, lines 36-44; figures 2 and 3, item 14; the display element acts as the biometric input device for entry of security information such as a finger print or retinal scan).

As per claims 3 and 21, Novis et al. also point out:

that the portable personal authentication apparatus is used for personal authentication in an electronic system which can be accessed by the user on the basis of personal authentication (see column 3, lines 41-53; in a financial system, the biometric input is processed as security information and, upon verification by a host database, the user can perform transactions in the financial system),

where a user who intends to use the electronic system is permitted to access the electronic system on the basis of the authentication data read (see column 3, lines 35-40; commencing operation of the smart card interface with the financial system requires the verification of the user's security information).

As per claim 4, Novis et al. then describe:

that the portable personal authentication apparatus is used for personal authentication in an electronic system which can be accessed by a user on the basis of personal authentication (see column 3, lines 44-55; when the smart card CPU processes security information, it transmits a transaction packet to a host financial database that the user accesses),

where the user who intends to use the electronic system is permitted on the basis of the authentication data read (see column 3, lines 44-55; where the smart card transmits a transaction packet dependent upon user input).

As per claims 5-7 and 22, Novis et al. moreover point out:

that the electronic system is an electronic commerce system in which E-cash is created by giving monetary value to electronic information flowing on a communication network and the settlement of business transactions is performed with this E-cash (see column 8, lines 55-64; figure 11, item 70; a view of the information stored on the smart card indicates monetary values in the form of electronic cash for settling transactions such as a withdrawal of funds and a point-of-sale (POS) debit),

where the portable personal authentication apparatus inputs authentication data for personal authentication required by the electronic commerce system (see column 3, lines 44-55; where the smart card transmits a transaction packet dependent upon user input for processing security information),

withdraws a predetermined amount of savings from a predetermined account at a financial institution (see column 8, lines 55-64; figure 11, item 70; 2/09 TELLER

Art Unit: 2132

WITHDRAWAL 63.00 indicating an amount of electronic currency transferred to the smart card),

stores then in a storage section as E-cash (see column 8, lines 55-64; figure 11, item 70; CARD-STORED VALUE indicating the balance of electronic currency stored in the smart card), performs the settlement of the business transactions with the stored E-cash (see column 8, lines 55-64; figure 11, item 70; 2/09 DEBIT-POS TRANSACTION indicating a payment for a point-of-sale (POS) transaction), and

leaves the balance of the E-cash after the settlement and the use history of the E-cash in the storage section (see column 8, lines 55-64; figure 11, item 70; BALANCE AFTER TRANSACTION indicating the amount of electronic currency remaining stored in the smart card after the payment).

As per claims 8-10 and 23, Novis et al. next show:

a storing means for storing credit information (see column 8, lines 55-64; figure 11, item 70; CREDIT TO CARD-STORED VALUE 40.00 BALANCE AFTER TRANSACTION indicating credit to the card stored value redeemable for physical currency; see column 9, lines 5-7; memories for specialized features such as storing the credit information),

wherein the electronic system is an electronic commerce system in which settlement is performed with credit information (see column 8, lines 55-64; figure 11, item 70; 2/09 DEBIT-POS TRANSACTION indicating a payment for a point-of-sale (POS) transaction with credit representative of physical currency),

Art Unit: 2132

wherein the portable personal authentication apparatus inputs authentication data for personal authentication required by the electronic commerce system (see column 3, lines 44-55; where the smart card transmits a transaction packet dependent upon user input for processing security information in the financial setting).

As per claim 30, Novis et al. then describes:

sending means for sending the authentication data to an authentication server using the communication means to provide authentication in the authentication server (see column 3, lines 41-53; figure 2, items 10 and 17; the transceiver transmitting a transaction packet, dependent upon user input of biometric data to a host financial database for verification).

As per claim 31, Novis et al. further elaborate:

that the built-in communication means wirelessly connectable to a public network is used during performing the personal authentication (see column 3, lines 41-53; figure 2, items 10 and 17; the transceiver transmitting a transaction packet, dependent upon user input of biometric data to a host financial database for verification).

12. Claims 1-3, 21, 27-29, 32, 33, 35, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu et al., U.S. Patent No. 6,038,666 A.

Art Unit: 2132

As per claim 1, Hsu et al. illustrate a portable personal authentication apparatus comprising:

built-in communication means wirelessly connectable to a public network (see column 5, lines 35-38; figure 2, items 14 and 22; a wireless transceiver in the device; see column 4, lines 55-58; figure 1A, item 14'; with cellular network connectivity); and

reading means for reading at least one of a man's biologic features (see column 5, lines 35-38; figure 2, items 14 and 16; a fingerprint sensor for measuring a user's fingerprint),

wherein personal authentication is performed on the basis of data read by the reading means as authentication data (see column 5, lines 15-25; figures 1A and 1B, items 10 and 10'; if the person's scanned fingerprint matches a reference fingerprint, the user is authenticated to access a door or computer).

As per claim 2, Hsu et al. further describe:

that the authentication is biometric authentication using at least one of a man's fingerprint (see column 5, lines 15-25; figures 1A and 1B, items 10 and 10'; if the person's scanned fingerprint matches a reference fingerprint, the user is authenticated to access a door or computer), and

that the reading means can read at least one of a man's fingerprint for biometric authentication (see column 5, lines 35-38; figure 2, items 14 and 16; a fingerprint sensor for measuring a user's fingerprint).

As per claims 3 and 21, Hsu et al. also point out:

Art Unit: 2132

that the portable personal authentication apparatus is used for personal authentication in an electronic system which can be accessed by the user on the basis of personal authentication (see column 4, lines 41-46; the device provides identification for a user to access a protected property; see column 5, lines 15-25; such as a computer),

where a user who intends to use the electronic system is permitted to access the electronic system on the basis of the authentication data read (see column 5, lines 15-25; figures 1A and 1B, items 10 and 10'; if the person's scanned fingerprint matches a reference fingerprint, the user is authenticated to access the computer).

As per claim 27, Hsu et al. additionally elaborate:

storage (see column 5, lines 35-38; figure 2, item 20; a processor module with reference image storage); and

registering means for registering in the storage at least one biological feature read by the reading means (see column 6, lines 3-8; figure 3, item 32; enrollment is performed when the user enrolls two fingerprint images and stored in the reference image storage).

As per claim 28, Hsu et al. moreover discuss:

comparing means for comparing the registered authentication data with the authentication data currently read by the reading means (see column 6, lines 8-12; figure 3, items 16, 28, and 32; in verification mode, the read fingerprint image is input to the correlator and compared with the reference image).

Art Unit: 2132

As per claim 29, Hsu et al. then describe:

comparing the registered authentication data with authentication data currently read by the reading means in accordance with predetermined comparison criteria (see column 6, lines 12-20; the correlator using an appropriate technique to compare images, depending on the level of security desired, based on significant features of the reference image that are identified and the same features that are looked for in the newly scanned image).

As per claim 32, Hsu et al. additionally specify:

that the built-in communication means comprises a cellular device (see column 4, lines 55-58; figure 1B, item 14'; handheld device integrated in a cellular telephone).

As per claim 33, Hsu et al. moreover elaborate:

that the built-in communication is connectable to a network of cellular devices as the public network (see column 4, lines 55-58; figure 1B, item 14'; handheld device integrated in a cellular telephone).

As per claim 35, Hsu et al. then discuss:

that the electronic system is accessed by a user through the built-in communication means and the public network (see column 5, lines 6-14; figure 1B, items 14 and 10'; connection to the computer through a communication network).

As per claim 36, Hsu et al. depict a personal authentication apparatus comprising:

built-in communication means wirelessly connectable to a public network (see column 5, lines 35-38; figure 2, items 14 and 22; a wireless transceiver in the device; see column 4, lines 55-58; figure 1A, item 14'; with cellular network connectivity),

reading means for reading at least one of a man's biologic features (see column 5, lines 35-38; figure 2, items 14 and 16; a fingerprint sensor for measuring a user's fingerprint),

wherein personal authentication is performed on the basis of data read by the reading means as authentication data (see column 5, lines 15-25; figures 1A and 1B, items 10 and 10'; if the person's scanned fingerprint matches a reference fingerprint, the user is authenticated to access a door or computer),

information storage (see column 5, lines 35-38; figure 2, item 20; a processor module with reference image storage); and

registering means for registering in the storage at least one biological feature read by the reading means (see column 6, lines 3-8; figure 3, item 32; enrollment is performed when the user enrolls two fingerprint images and stored in the reference image storage),

comparing means for comparing the registered authentication data with the authentication data currently read by the reading means (see column 6, lines 8-12; figure 3, items 16, 28, and 32; in verification mode, the read fingerprint image is input to the correlator and compared with the reference image) in accordance with predetermined comparison criteria (see column 6, lines 12-20; the correlator using an appropriate technique to compare images, depending on the level of security desired, based on significant features of the reference image that are identified and the same features that are looked for in the newly scanned image),

Art Unit: 2132

wherein the built-in communication means comprises a cellular device (see column 4, lines 55-58; figure 1B, item 14'; handheld device integrated in a cellular telephone), and

wherein the built-in communication is connectable to a network of cellular devices as the public network (see column 4, lines 55-58; figure 1B, item 14'; handheld device integrated in a cellular telephone).

13. Claims 1-3, 21, 32, 33, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy, U.S. Patent No. 6,225,890 B1.

As per claims 1, Murphy depicts a portable personal authentication apparatus comprising: built-in communication means wirelessly connectable to a public network (see column 3, lines 47-52; figure 1, items 19 and 21; a location determination (LD) module part of an LD system, apart of a public network, such as GPS, GLONASS, LEO, Iridium, or LORAN, connected to an antenna); and

reading means for reading at least one of a man's biologic features (see column 4, lines 52-59; figure 1, items 27 and 29; a biometric indicium receiving and analysis mechanism (BIRAM) that scans biometric data from the vehicle driver),

wherein personal authentication is performed on the basis of data read by the reading means as authentication data (see column 5, lines 13-16; figure 1, item 27; after the BIRAM receives the biometric indicium, it determines the identity of the restricted operator (RO)).

Art Unit: 2132

As per claim 2, Murphy further describes:

that the authentication is biometric authentication using at least one of a man's fingerprint, voiceprint, retinaprint, irisprint, face, and signature (see column 4, lines 39-44; identifying the restricted operator (RO) by using a thumbprint, fingerprint, handprint, partial or full facial image, retina, iris, voice sample, cursive signature, blood vein pattern, or blood sample), and

that the reading means can read at least one of a man's fingerprint and retinaprint for biometric authentication (see column 4, lines 39-52; figure 1, items 27 and 29; where the driver provides a driver's designated biometric indicium, such as a thumbprint, fingerprint, handprint, partial or full facial image, retina, iris, voice sample, cursive signature, blood vein pattern, or blood sample, on a biometric indicium receiving and analysis mechanism (BIRAM)).

As per claims 3 and 21, Murphy also points out:

that the portable personal authentication apparatus is used for personal authentication in an electronic system which can be accessed by the user on the basis of personal authentication (see column 5, lines 12-16; a determination if the biometric indicium belongs to the restricted operator for access to the vehicle),

where a user who intends to use the electronic system is permitted to access the electronic system on the basis of the authentication data read (see column 6, lines 1-4; where, if the biometric indicium is that of another identified driver, restrictions of operation are placed on the driver; see column 6, lines 36-39; if the vehicle driver fails to provide a legible/interrogatable biometric indicium, the system takes access away, such as disabling the vehicle).

Art Unit: 2132

As per claim 32, Murphy additionally specifies:

that the built-in communication means comprises a cellular device (see column 3, lines 48-52; figure 1, items 19 and 23a location determination (LD) module with GPS, GLONASS, LEO, Iridium, LORAN, or other cellular receiver).

As per claim 33, Murphy also states:

that the built-in communication means is connectable to a network of cellular devices as the public network (see column 3, lines 48-52; figure 1, items 19 and 23a location determination (LD) module with GPS, GLONASS, LEO, Iridium, LORAN, or other cellular receiver).

As per claim 35, Murphy then discuss:

that the electronic system is accessed by a user through the built-in communication means and the public network (see column 5, lines 20-30; the system is accessible if the vehicle present location and/or speed, as determined by the LD antenna and LD receiver, using the cellular network, carried on the vehicle is within a permitted travel region and speed range).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 11, 12, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novis et al., U.S. Patent No. 5,770,849 A as applied to claims 5 and 8, respectively, above, and further in view of Barabash et al., U.S. Patent No. 6,101,378 A.

Novis et al. disclose the apparatus of claims 5 and 8. However, they do not explicitly teach collecting a toll. Barabash et al. describe that an electronic commerce system is an automatic charge receiving system for automatically collecting a toll (see column 1, lines 42-59; a system maintaining a database containing the balance of money in each subscriber's account and it debits the account as the subscriber's mobile unit makes or receives calls where a debit processing unit (DPU) in the system periodically debits the account for air time and toll charges incurred as a result of the call). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the apparatus of Novis et al. with the toll collection of Barabash et al. to minimize defaults in payment for services (see column 1, lines 11-14).

16. Claims 14, 15, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Novis et al., U.S. Patent No. 5,770,849 A, Hsu et al., U.S. Patent No. 6,038,666 A, and Murphy, U.S. Patent No. 6,225,890 B1 as applied to claims 1, 2, and 3, respectively, above, and further in view of Infosino, U.S. Patent No. 6,715,679 B1.

Art Unit: 2132

Novis et al., Hsu et al. and Murphy each teach the apparatus of claims 1, 2, and 3. However, they do not explicitly show a PC-card slot where authentication is performed by inserting a PC card equipped with the reading means into the PC-card slot.

Infosino depicts:

an apparatus including a PC-card slot (see column 5, lines 40-45; figure 2B, item 250; a laptop computer with a PCMCIA slot),

where one of the biological features is a fingerprint (see column 4, lines 60-65; figure 2A, items 200 and 202; a biometric reader in the universal reader/writer for a fingerprint),

where user authentication is performed by inserting a PC card equipped with reading means for reading a fingerprint into the PC-card slot (see column 4, lines 60-65; figure 2A, items 200 and 202; column 5, lines 41-46; where the PCMCIA-style universal reader for reading the fingerprint).

Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the apparatus of any of Novis et al., Hsu et al., or Murphy with the PC card equipped with fingerprint reading means of Infosino to integrate the reading means with some other device that the customer normally carries (see column 5, lines 11-15).

17. Claims 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novis et al., U.S. Patent No. 5,770,849 A, as applied to claims 5 and 8, respectively, above, and further in view of Infosino, U.S. Patent No. 6,715,679 B1.

Art Unit: 2132

Novis et al. teach the apparatus of claims 5 and 8. However, they do not explicitly show a PC-card slot where authentication is performed by inserting a PC card equipped with the reading means into the PC-card slot.

Infosino depicts:

an apparatus including a PC-card slot (see column 5, lines 40-45; figure 2B, item 250; a laptop computer with a PCMCIA slot),

where one of the biological features is a fingerprint (see column 4, lines 60-65; figure 2A, items 200 and 202; a biometric reader in the universal reader/writer for a fingerprint),

where user authentication is performed by inserting a PC card equipped with reading means for reading a fingerprint into the PC-card slot (see column 4, lines 60-65; figure 2A, items 200 and 202; column 5, lines 41-46; where the PCMCIA-style universal reader for reading the fingerprint).

Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the apparatus of Novis et al. with the PC card equipped with fingerprint reading means of Infosino to integrate the reading means with some other device that the customer normally carries (see column 5, lines 11-15).

18. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novis et al., U.S. Patent No. 5,770,849 A in view of Barabash et al., U.S. Patent No. 6,101,378 A as applied to claim 11, respectively, above, and further in view of Infosino, U.S. Patent No. 6,715,679 B1.

Art Unit: 2132

Novis et al. in view of Barabash et al. teach the apparatus of claim 11. However, they do not explicitly show a PC-card slot where authentication is performed by inserting a PC card equipped with the reading means into the PC-card slot.

Infosino depicts:

an apparatus including a PC-card slot (see column 5, lines 40-45; figure 2B, item 250; a laptop computer with a PCMCIA slot),

where one of the biological features is a fingerprint (see column 4, lines 60-65; figure 2A, items 200 and 202; a biometric reader in the universal reader/writer for a fingerprint),

where user authentication is performed by inserting a PC card equipped with reading means for reading a fingerprint into the PC-card slot (see column 4, lines 60-65; figure 2A, items 200 and 202; column 5, lines 41-46; where the PCMCIA-style universal reader for reading the fingerprint).

Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the apparatus of Novis et al. in view of Barabash et al. with the PC card equipped with fingerprint reading means to integrate the reading means with some other device that the customer normally carries (see column 5, lines 11-15).

19. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of Novis et al., U.S. Patent No. 5,770,849 A, Hsu et al., U.S. Patent No. 6,038,666 A, and Murphy, U.S. Patent No. 6,225,890 B1 as applied to claim 1 above, and further in view of Infosino, U.S. Patent No. 6,715,679 B1.

Novis et al., Hsu et al. and Murphy each teach the apparatus of claim 1. However, they do not explicitly show a personal data assistant. Infosino describes a personal data assistant (see column 5, lines 11-15; a universal reader/writer integrated into a personal digital assistant). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the apparatus of any of Novis et al., Hsu et al., or Murphy with the PC card equipped with the personal digital assistant of Infosino to integrate the reading means with some other device that the customer normally carries (see column 5, lines 11-15).

Allowable Subject Matter

20. Claims 13, 20, 25, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter:

Claims 13, 20, and 25 are drawn to a portable personal authentication apparatus. The closest prior art, Murphy, U.S. Patent No. 6,225,890 B1, discloses similar apparatuses. Although Murphy describes that the electronic system is a notifying system for giving urgent notification to a competent center in the case of an emergency having occurred (see column 5, lines 43-45; the system transmits an alarm to a selected facility apart from the vehicle; see column 5, lines 20-30; in an emergency where the vehicle is outside the permitted travel location or speed range), he neither teaches nor suggests that the portable personal authentication apparatus is used at least for notification of cancel given in the case of canceling the urgent notification. This particular

Art Unit: 2132

feature explicitly recited in dependent claim 13 renders claims 13, 20, and 25 to have allowable subject matter.

Claim 37 is drawn to a portable personal authentication apparatus. The closest prior art, Hsu et al., U.S. Patent No. 6,038,666 A in view of Murphy, U.S. Patent No. 6,225,890 B1, discloses a similar apparatus. Although Murphy describes that the electronic system is a notifying system for giving urgent notification to a competent center in the case of an emergency having occurred (see column 5, lines 43-45; the system transmits an alarm to a selected facility apart from the vehicle; see column 5, lines 20-30; in an emergency where the vehicle is outside the permitted travel location or speed range), neither Murphy nor Hsu et al. teach nor suggest that the portable personal authentication apparatus is used at least for notification of cancel given in the case of canceling the urgent notification. This particular feature explicitly recited in dependent claim 37 renders claim 37 to have allowable subject matter.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2132

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-9306. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an

Art Unit: 2132

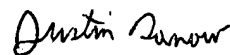
amendment after final rejection have printed not only **"OFFICIAL FAX"** but also

"AMENDMENT AFTER FINAL".

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100 thereafter.

December 8, 2004



**JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100**